

City Council Introduction: **Monday**, July 18, 2005  
Public Hearing: **Monday**, July 25, 2005, at **1:30 p.m.**

Bill No. 05-91

## **FACTSHEET**

**TITLE:** **ANNEXATION NO. 04001**, requested by Engineering Design Consultants on behalf of Stone Bridge Creek, LLC, to annex approximately 77 acres, more or less, generally located south of Humphrey Avenue and east of North 14<sup>th</sup> Street.

**STAFF RECOMMENDATION:** Approval, subject to an Annexation Agreement

**ASSOCIATED REQUESTS:** Annexation Agreement (05R-157) and Change of Zone No. 04007 (05-92).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 06/09/04 and 06/23/04  
Administrative Action: 06/23/04

**RECOMMENDATION:** Approval, subject to an Annexation Agreement (8-0: Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'; Pearson abstained).

### **FINDINGS OF FACT:**

1. This annexation request and the associated Change of Zone No. 04007 and the Stone Bridge Creek 1<sup>st</sup> Addition Preliminary Plat No. 04002 were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the annexation request, subject to an annexation agreement, is based upon the "Analysis" as set forth on p.4-5, concluding that the proposed annexation is in conformance with the Comprehensive Plan.
3. The testimony by the applicant's representative is found on p.6-7.
4. There was no testimony in opposition.
5. On June 23, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval, subject to an annexation agreement, which has been completed.
6. The Planning Commission also recommended approval of the associated Change of Zone No. 04007 and adopted Resolution No. PC-00881 approving the Stone Bridge Creek 1<sup>st</sup> Addition Preliminary Plat.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** July 11, 2005

**REVIEWED BY:** \_\_\_\_\_

**DATE:** July 11, 2005

**REFERENCE NUMBER:** FS\CC\2005\ANNEX.04001

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 9, 2004 PLANNING COMMISSION MEETING

**\*\*As Revised by Planning Commission on June 23, 2004\*\***

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**P.A.S.:** Stone Bridge Creek 1<sup>st</sup> Addition  
**Annexation #04001**  
Change of Zone #04007  
Preliminary Plat #04002

**PROPOSAL:** To annex approximately 77 acres, change the zone from AG to R-3 and R-5 and to preliminary plat 311 residential lots with a request to waive the pedestrian way easement in Block 4. (**\*\*Waiver request WITHDRAWN by the Applicant\*\***)

**LOCATION:** Generally located south of Humphrey Avenue and east of N. 14<sup>th</sup> Street.

**WAIVER REQUEST:**

~~Pedestrian easement in Block 4~~

(**\*\*WAIVER REQUEST WITHDRAWN BY THE APPLICANT\*\***)

**LAND AREA:**

<b><u>Annexation</u></b>	<b><u>77 acres</u></b>
Change of Zone AG to R-3	61 acres
Change of Zone AG to R-5	17 acres
Preliminary Plat	100 acres

**CONCLUSION:** With conditions the request is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

**RECOMMENDATION:**

<b><u>Annexation</u></b>	<b><u>Conditional Approval</u></b>
Change of Zone AG to R-3	Approval
Change of Zone AG to R-5	Approval
Preliminary Plat	Conditional Approval
Waiver of pedestrian easement in Block 4	Denial

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached.

**EXISTING ZONING:** AG and R-3

**EXISTING LAND USE:** Open space, and undeveloped

**SURROUNDING LAND USE AND ZONING:**

North:	Residential	R-3, Residential
South:	Interstate 80	P-Public
East:	Interstate 80, undeveloped, warehouse	P, Public, I-3 Industrial Park
West:	Undeveloped and acreages	AG, Agricultural

**HISTORY:**

Date when preliminary plat was submitted:	February 9, 2004
Date when Planning Director's letter was sent:	March 9, 2004
Date when revised preliminary plat was submitted:	April 29, 2004

Comprehensive Plan Amendment #03010, showing residential and commercial in the area, was approved by the City Council on July 14, 2003.

Special Permit #1845, Stone Bridge Creek CUP for 437 dwelling units, Change of Zone # 3265 from AG to R-3 and I-3, Industrial Park north and east of this area were approved by the City Council on August 27, 2001.

The area was zoned A-A, Rural and Public Use until 1979 when the zone was updated to AG, Agricultural.

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as Urban Residential and Commercial in the Comprehensive Land Use Plan. (F-25).

The area is shown within the future service limit in Tier 1, Priority A. (F-27)

"Maximize the community's present infrastructure investment by planning for residential...in areas with available capacity" by "encouraging...more dwelling units per acre in new neighborhoods" (F 17).

"Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population" (F-18).

"Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood" (F 18).

"Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area; Similar housing types face each other: single family faces single family, change to different use at rear of lot; Parks and open space within walking distance of all residences; Multi-family and elderly housing nearest to commercial area; Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads; Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites)". (F-67)

“Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas” (F 69).

“Require new development to be compatible with character of neighborhood and adjacent uses” (F 69).

“Natural and environmentally sensitive areas should be preserved within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods” (F-17).

**TOPOGRAPHY:** Rolling, tree masses located in outlots along Humphrey Avenue.

**TRAFFIC ANALYSIS:** N. 14<sup>th</sup> Street is indicated as a urban minor arterial (F-103). N. 14<sup>th</sup> Street is presently paved as a county asphalt section. It is proposed to be paved to a urban section and is programmed for 2005-2007 in the 2004-2010 CIP.

The Public Works and Utilities Department objects to the request to waive pedestrian access in Block 4.

**ENVIRONMENTAL CONCERNS:** There are wetland and tree masses that were required to be preserved with the previous preliminary plat and community unit plan located in Outlots A and B. These tree masses and natural areas should not be disturbed.

The Nebraska Department of Roads opposes residential within elevated noise levels because the State does not plan to construct noise walls. It should be acknowledged on the site plan and in the subdivision agreement that the state will not build noise walls along the interstate right of way. The layout of the site plan considered the noise levels, and tried to place as much space between the interstate and the proposed houses and townhomes. A rear access drive is proposed for the townhouse units to provide additional separation, and the single family lots are deeper than normal.

#### **ANALYSIS:**

1. This is a request to extend the Stone Bridge Creek Development plan by annexing 77 acres, changing the zoning from AG to R-3 and R-5, and preliminary platting 311 residential lots. The applicant requests a waiver to the pedestrian way required in blocks exceeding 1000 feet, which is applicable to Block 4.
2. The Public Works and Utilities Department indicated that either a street connection or pedestrian way easement in Block 4 provides easy access toward the future commercial areas and general circulation to the north and east. It would make more sense to eliminate Elbert Street and set up a series of pedestrian easements through Blocks 3-5 to connect N. 15<sup>th</sup> and Culbera Streets, however, that would require a waiver to the block length of block 5. This waiver was not requested or advertised.
3. The Public Works and Utilities Department has several comments addressed in their attached memo. The applicant should revise the plat to meet the Public Works and Utilities Department requests.

4. The Parks and Recreation Department indicated they will collect impact fees with this development and the proposed park area designation should be removed from the site plan.
5. The applicant requests a waiver to lot depth to width ratio for lots occupied by townhouse or duplex units. This waiver is unnecessary because Section 26.23.140 allows the Planning Director to modify the maximum lot depth to width ratio when a lot is to be occupied by a portion of a duplex or townhouse structure. The waiver was advertised but is not necessary and not included in the approval of this application.
6. The Lincoln Lancaster County Health Department is concerned with the proximity of residential development to the Interstate. They indicated that the area within 140' of the Interstate is subject to 71 dB(A) and that the LMC 8.24 Noise Ordinance regulates land uses near residential zones so that noise levels on residential properties do not exceed 65 dB(A). The Lincoln Lancaster County Health Department encourages the applicant to install earthen berms to attenuate the noise from Interstate 80.
7. The developer is not in general agreement with the draft annexation agreement and they have asked for an exemption to impact fees since they contributed with the plat north of this request. The Public Works and Utilities Department indicated in their attached memo that this plat was not part of the annexation agreement for the plat to the north and should not be granted an exemption. This is an issue for the City Council and not the Planning Commission.

**ANNEXATION CONDITIONS:**

1. The annexation will be submitted to the City Council upon the owner signing the annexation agreement. However, the applicant may request the annexation be forward to the city council to decide non agreeable issues.

Prepared by:

Becky Horner  
441-6373, [rhorer@ci.lincoln.ne.us](mailto:rhorer@ci.lincoln.ne.us)  
Planner

**DATE:** May 26, 2004

**APPLICANT:** Stone Bridge Creek L.L.C.  
3801 Union Drive, Suite 102  
Lincoln, NE 68516  
(402)434-5650

**OWNER:** Same

**CONTACT:** Jason Thiellen  
Engineering Design Consultants  
2200 Fletcher Avenue, Suite 102  
Lincoln, NE 68521  
(402)438-4014

**ANNEXATION NO. 04001,  
CHANGE OF ZONE NO. 04007,  
and  
PRELIMINARY PLAT NO. 04002,  
STONE BRIDGE CREEK 1<sup>ST</sup> ADDITION**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 9, 2004

Members present: Sunderman, Carlson, Larson, Krieser, Taylor, Marvin, Carroll and Bills-Strand; Pearson absent.

Staff recommendation: Approval of the annexation and change of zone, and conditional approval of the preliminary plat.

Ex Parte Communications: None.

Becky Horner of Planning staff stated that the Law Department has determined that the preliminary plat should be re-advertised as final action. Therefore, the staff is requesting a two-week delay. She has discussed this with the applicant and they will make their presentation at the next meeting.

Larson moved deferral for two weeks, with continued public hearing and administrative action scheduled for June 23, 2004, seconded by Taylor and carried 8-0: Sunderman, Carlson, Larson, Krieser, Taylor, Marvin, Carroll and Bills-Strand voting 'yes'; Pearson absent.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 23, 2004

Members present: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the preliminary plat.

Ex Parte Communications. None.

**Proponents**

**1. Jason Thiellen, Engineering Design Consultants**, appeared on behalf of **Stone Bridge Creek, LLC**. This is a proposal to add 328 lots to this area. The developer is in general agreement with the conditions of approval; however, Thiellen requested to revise Condition #1.1.5 to strike language as follows:

Revise the layout of the townhouse area so that ~~the proposed private driveway and the land between the drive and the interstate~~ is shown in an outlot.

If the driveway is in the outlot, the outlot would not be buildable. He believes that staff agrees with this amendment.

With regard to Condition #1.1.7, Thiellen stated that the developer has been in contact with the NDOR to come up with a design solution to reduce the noise pollution. The developer also has a letter from the Health Department approving the design. They have also shown them the grading and landscape plans.

There was no testimony in opposition.

**ANNEXATION NO. 04001**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

June 23, 2004

Taylor moved approval, subject to an annexation agreement, seconded by Sunderman and carried 8-0: Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'; Pearson abstained. This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 04007**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

June 23, 2004

Taylor moved approval, seconded by Sunderman and carried 8-0: Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'; Pearson abstained. This is a recommendation to the City Council.

**PRELIMINARY PLAT NO. 04002**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

June 23, 2004

Carlson moved to approve the staff recommendation of conditional approval, with the amendment to Condition #1.1.5, as requested by the applicant, seconded by Carroll.

Taylor stated that he is glad the developer withdrew the request to waive the pedestrian easement. Motion for conditional approval, with amendment, carried 8-0: Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'; Pearson abstained. This is final action, unless appealed to the City Council.



2002 aerial

## Annexation #04001 N. 14th & I-80

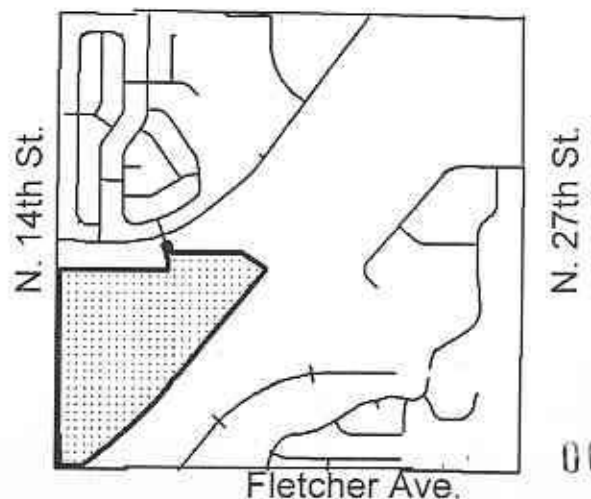
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 36 T11N R6E



Zoning Jurisdiction Lines  
City Limit Jurisdiction



008

# Memorandum

<b>To:</b>	Becky Horner, Planning Department
<b>From:</b>	Chad Blahak, Public Works and Utilities
<b>Subject:</b>	Stone Bridge Creek 2nd Addition Preliminary Plat
<b>Date:</b>	May 12, 2004
<b>cc:</b>	Randy Hoskins

Engineering Services has reviewed the re-submitted plans for the Stone Bridge Creek 2nd Addition Preliminary Plat, located east of North 14th Street and south of Humphrey Avenue, and has the following comments:

**Sanitary Sewer** - The following comments need to be addressed.

- (1.1) The sanitary sewer shown to run through the proposed detention cell is not acceptable to Public Works. The manholes shown are located on the side slopes of the detention pond. Generally the Wastewater Department does not approve the construction of manholes on steep slopes as proposed for maintenance accessibility. The grading and/or utility plan should be revised to show adequate access to all sanitary manholes.

**Water Main** - The water system for this plat is satisfactory.

**Grading/Drainage** - The following comments need to be addressed.

- (3.1) The minimum opening elevations for Lots in Block 9 near the Trinidad Road culvert do not match the 100 year flood elevations as previously approved in the Stone Bridge Creek preliminary. The minimum opening elevations need to be revised based on the approved elevations or supporting information needs to be provided supporting the currently proposed minimum opening elevations.
- (3.2) Public Works will need to receive written documentation stating that the NDOR approves the storm water discharge as proposed by this plat.
- (3.3) Item (2) of Watershed Management's comments requested that drainage swales be shown for sump conditions and in other overland flow paths. This requirement has not been met and the grading plan still needs to be revised to show the drainage swales.

**Streets/Paving** - The following comments need to be addressed.

- (4.1) Public Works does not approve the requested waiver of design standards for a public access easement between La Plata Drive and Torres Drive. The easement would provide a more direct route to the Trinidad Road connection that eventually leads to the proposed commercial developments along Humphrey Drive.

**General -**

- (5.1) Item #14 of the dated April 27, 2004 signed by Jason Thiellen of Engineering Design Consultants proposes that this plat be exempt from Impact Fees due the previous agreement for the original Stone Bridge Creek preliminary plat. The area of this plat was not part of the previously mentioned agreement and was not annexed and therefore cannot take credit for the improvements outlined in this agreement. A separate annexation agreement needs to be created for this plat.
- (5.2) The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.



Dennis L Roth

05/05/2004 09:47 PM

To: Rebecca D Horner/Notes@Notes

cc:

Subject: re: Stone Bridge Creek 1st, resubmittal

PROJ NAME: Stonebridge Creek 1st, rebusmittal  
PROJ NMBR: PP #04002, CZ #04007  
PROJ DATE: 01/12/04, 04/29/04  
PLANNER: Becky Horner

Finding NO DUPLICATE/SIMILAR NAME in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Dennis "denny" Roth, ESD II/CAD Admin  
Emergency Communications 9-1-1 Center

STREETS: N 14 St, N 15 Ct, N 15 St, Belford Dr, Blanca Dr, Culbera St, Elbert Dr, Gray Peak Ct,  
Grey Peak Dr, LaPlata Ct, LaPata Dr, Long Peak Cir, Pennsylvania Ave, Pennsylvania Ct,  
Torreys Dr, Trinidad Rd, White Water Ln

PRIVATE: none

COMMENTS:



# Memo

**To:** Becky Horner, Planning Department

**From:** Mark Canney, Parks & Recreation

**Date:** May 11, 2004

**Re:** Stone Bridge Creek 1<sup>st</sup> Resubmittal

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. No suitable area for a neighborhood park has been determined, therefore in lieu of park land impact fees will be collected.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Becky Horner

**DATE:** February 24, 2004

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** EH File  
EH Administration

**SUBJECT:** Stonebridge Creek  
2<sup>nd</sup> Addition  
PP #04002 CZ #04007

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed Stonebridge Creek 2<sup>nd</sup> Addition development with the following noted:

- The proposed development is located approximately 140 feet from Interstate 80. The LLCHD has concerns regarding this relative close proximity to interstate 80 and the potential for noise pollution to impact the future residents of this proposed development. According to the U.S. Department of Transportation Federal Highway Administration and Nebraska Department of Roads' Draft Environmental Assessment, this proposed development is impacted by 71 dB(A) noise contour.
- The submitted documentation with the application for a preliminary plat does not include language regarding possible noise abatement strategies to address interstate noise. The LLCHD has concerns that noise levels in the proposed residential development may exceed our community's standard (LMC 8.24 Noise Control Ordinance) for acceptable noise levels. While LMC 8.24 Noise Control Ordinance does not have a specific provision to address noise from interstate traffic, the ordinance does provide guidance for acceptable noise levels in residential zones with respect to protecting the public health and welfare, safety, and the quality of life for Lincoln residents. LMC 8.24 provides that for residential zones, noise based upon a ten minute LEQ must not exceed 65 dB(A) from 7:00 am to 10:00 pm and 55 dB(A) from 10:00 pm to 7:00 am.
- LLCHD encourages the applicant to take advantage of creative site design to provide additional separation from interstate 80 with the possibility for the construction of earthen berms. Earthen berms are an effective means to help attenuate interstate 80 noise.

- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.



MICHAEL WOOLMAN  
<lpd737@CJIS.CI.LINC  
OLN.NE.US>

To: R Horner <RHorner@ci.lincoln.ne.us>  
cc:  
Subject: Stonebridge 2nd Addition

02/12/2004 01:07 PM

Ms. Horner,

The Lincoln Police Department does not object to the Stonebridge Creek 2nd Addition PP# 04002 and CZ# 04007.

Sergeant Michael Woolman  
Lincoln Police Department

# City of Lincoln, Nebraska

## IMPORTANT

**All revisions to plans must include Building Permit # and Job Address.**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

## Plan Review Comments

Permit # **DRF04063**

Address

Job Description: Development Review - Fire

Location: STONE BRIDGE CREEK 1ST ADD

Special Permit:

Preliminary Plat: Y 04002

Use Permit:

CUP/PUD:

Requested By: BECKY HORNER

Status of Review: Approved

05/03/2004 9:21:01 AM

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: approved

### Current Codes in Use Relating to Construction Development in the City of Lincoln:

2000 International Building Code and Local Amendments  
2000 International Residential Code and Local Amendments  
1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)  
1989 Fair Housing Act As Amended Effective March 12, 1989  
1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards  
1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard, Plumbing Code and local community Amendments.)  
1999 National Electrical Code and Local Amendments  
1997 Uniform Mechanical Code and Local Amendments  
1994 Lincoln Gas Code  
1994 NFPA 101 Life Safety Code  
2000 Uniform Fire Code and Local Amendments  
Applicable NFPA National Fire Code Standards

